

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LUNA HEALTH MANAGEMENT, INC. and
DH EQUIPMENT, LLC,

Plaintiffs,

v.

Case No. 10-12825

CNA INSURANCE and
NATIONAL FIRE INSURANCE OF HARTFORD,

Defendants.

ORDER AMENDING SCHEDULING ORDER

The court entered a scheduling order on September 10, 2010, which set, among other dates, a discovery deadline of January 31, 2011, and a dispositive motion cut-off date of February 28, 2011. The court held a telephone status conference with counsel for all parties on February 23, 2011. Counsel advised the court that the parties had stipulated to a thirty-day extension of the discovery deadline without notifying the court. Such agreements are not enforceable unless sanctioned by the court. See Federal Rule of Civil Procedure 16(b)(4) ("A schedule may be modified only for good cause and with the judge's consent."). Defense counsel requested the court extend the dispositive motion cut-off date.

Both sides averred that they have encountered scheduling difficulties that occasioned the delay in completing discovery. Because of those difficulties, the court finds good cause to amend the scheduling order deadlines *nunc pro tunc*. Accordingly,

IT IS ORDERED that the September 10, 2010, scheduling order is AMENDED in that the parties shall complete all court-supervised discovery by **February 28, 2011**,¹ and shall file any dispositive motions by **March 14, 2011**. **NO FURTHER EXTENSIONS SHALL BE GRANTED.**

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 24, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 24, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹ By agreement, the parties may conduct previously-scheduled depositions after this date, however, they should be cognizant of the dispositive motion cut-off deadline.